

ORAL ARGUMENT SCHEDULED FOR SEPTEMBER 16, 2024

Case No. 24-1113 (and consolidated cases)

IN THE

**United States Court of Appeals
for the District of Columbia Circuit**

TIKTOK INC. and BYTEDANCE LTD.,

Petitioners,

v.

MERRICK B. GARLAND, in his official capacity as Attorney General of the
United States,*Respondent.**(caption continued)*

On Petitions for Review of Constitutionality of the Protecting Americans from
Foreign Adversary Controlled Applications Act

**NOTICE OF INTENT OF THE CATO INSTITUTE TO FILE AN AMICUS
BRIEF IN SUPPORT OF PETITIONERS**

June 26, 2024

Thomas A. Berry
CATO INSTITUTE
1000 Massachusetts Avenue, N.W.
Washington, D.C. 20001
(202) 789-5202
tberry@cato.org
Counsel for Amicus Curiae

BRIAN FIREBAUGH, et al.,

Petitioners,

v.

MERRICK B. GARLAND, in his official capacity as Attorney General of the
United States,

Respondent.

BASED POLITICS INC.

Petitioner,

v.

MERRICK B. GARLAND, in his official capacity as Attorney General of the
United States,

Respondent.

CORPORATE DISCLOSURE STATEMENT

Amicus Curiae the Cato Institute is a nonprofit corporation. It has no parent companies, subsidiaries, or affiliates that have issued shares or debt securities to the public. Pursuant to D.C. Circuit Rule 26.1(b), the Cato Institute states that it is a 501(c)(3) nonprofit organization dedicated to advancing the principles of individual liberty, free markets, and limited government. Cato's Robert A. Levy Center for Constitutional Studies helps restore the principles of constitutional government that are the foundation of liberty

/s/Thomas A. Berry
Thomas A. Berry

Dated: June 26, 2024

Counsel for Amicus Curiae

NOTICE OF INTENT TO FILE AMICUS BRIEF

Pursuant to Fed. R. App. P. 29(a), D.C. Circuit Rule 29(b), the Cato Institute represents that it intends to participate in this case as *amicus curiae*. Petitioners and Respondents have consented to the filing of this *amicus* brief.

The Cato Institute, established in 1977, is a nonpartisan public policy research foundation dedicated to advancing the principles of individual liberty, free markets, and limited government. Cato's Robert A. Levy Center for Constitutional Studies helps restore the principles of constitutional government that are the foundation of liberty. Toward those ends, Cato publishes books, studies, and the annual *Cato Supreme Court Review*, and conducts conferences and forums. This case interests *amicus* because the right to freedom of speech is essential to liberty and must be protected against government infringement.

Amicus respectfully submits that this notice is timely filed under D.C. Circuit Rule 29(b). *Amicus* intends to file its brief no later than June 27, 2024 in accordance with D.C. Circuit Rule 29(c).

In addition, pursuant to D.C. Circuit Rule 29(d), *amicus* has worked to consolidate its arguments into a single brief. *Amicus* has also coordinated with other *amici* to ensure that there is no overlap in the issues raised, to the greatest extent possible.

Respectfully submitted,

/s/Thomas A. Berry

Thomas A. Berry

CATO INSTITUTE

1000 Massachusetts Avenue, N.W.

Washington, D.C. 20001

(202) 789-5202

tberry@cato.org

Counsel for Amicus Curiae

Dated: June 26, 2024

CERTIFICATE OF SERVICE

I hereby certify that on June 26, 2024 I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system.

I certify that all participants in this case are registered CM/ECF users and that service will be accomplished by CM/ECF.

/s/Thomas A. Berry
Thomas A. Berry

Dated: June 26, 2024

Counsel for Amicus Curiae